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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,433	07/25/2006	Joerg Habetha	US040517	1908

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EXAMINER

AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,433	Applicant(s) HABETHA ET AL.	
	Examiner OLUMIDE T. AJIBADE AKONAI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15 is/are rejected.
- 7) ☒ Claim(s) 5-14 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-19 objected to because of the following informalities: The claims comprise numbers in parenthesis. The numbers in parenthesis in the claims should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by **Henry 5,590,396**.

Regarding **claim 1**, Henry discloses a method for saving power in a wireless communication network (400) including a plurality of devices (401i), comprising the steps of: a device (401) (mobile station 109, see fig. 1, col. 4, lines 24-26) announcing a sleep period in a beacon (600) of the device as an announcing device (mobile station 109 transmitting information indicating that it is entering a deep-sleep state, see abstract, col. 9, lines 1-10); the announcing device (401) hibernating in a hibernation mode as a hibernating device (401) during the announced sleep period wherein the device (401) does not transmit a

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beacon (600) during the sleep period (mobile station 109 entering a deep-sleep state, see abstract, col. 7, lines 35-53, col. 8, lines 19-27 and col. 9, lines 1-10).

Regarding **claim 2** as applied to claim 1, Henry further discloses wherein the announcing step further comprises the device (401) including a sleep period start time (303) and a sleep period duration (304) in the beacon (see abstract, col. 7, lines 35-53, col. 8, lines 19-27 and col. 9, lines 1-10).

Regarding **claim 4** as applied to claim 1, Henry further discloses further comprising the step of other devices (401i) than the hibernating device (401) keeping information on the presence of the beacon (600) of the hibernating device (401) in their beacons (600) during the announced sleep period of the hibernating device (401) (see abstract, col. 7, lines 35-53, col. 8, lines 19-27 and col. 9, lines 1-10).

Regarding **claim 15** as applied to claim 1, Henry further discloses including a plurality of devices (401i) that save power by announcing hibernation in their beacon frames (600) by performing the power-saving method of claim 1 (see abstract, col. 7, lines 35-53, col. 8, lines 19-27 and col. 9, lines 1-10).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Henry 5,590,396** in view of **Simpson et al 20050124313 (hereinafter Simpson)**.

Regarding **claim 3** as applied to claim 1, Henry further discloses the hibernating device (401) periodically waking up to listen for beacons (600) of other devices (401i) (see abstract, col. 7, lines 54-59).

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Henry does not specifically disclose the hibernating device returning to a hibernation mode if other devices (401i) have indicated no pending traffic for the hibernating device (401) in their beacons.

In the same field of endeavor, Simpson discloses a subscriber device [see p.2, [0020]-[0021]] returning to a hibernation mode if other devices (401i) (access point, see p.3, [0029]-[0030]) have indicated no pending traffic for the hibernating device (401) in their beacons (subscriber unit entering a sleep mode if the subscriber knows it will not be receiving data from an access point, see p.3, [0029]-[0030]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Henry, by having a subscriber device enter a sleep mode when a has determined from communication with an access point that it will not receive data, for the benefit of saving the power of the subscriber device.

Allowable Subject Matter

3. Claims 5-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Emeott et al 20050043027 discloses a method and apparatus for facilitating data transmissions.

Pinter et al 5,924,017 discloses a method and system for adaptively setting wake-up intervals in paging devices.

Larsson et al 6,463,307 discloses a method and apparatus for power savings in a mobile terminal with established connections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617